

Adopted	Rejected
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## COMMITTEE REPORT

YES: 10

NO: 0

### MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1583, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-42-2-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **As used in this**
- 4 **section, "aggressive driving" means one (1) episode of continuous**
- 5 **driving of a vehicle by a person:**
- 6 (1) **that results in:**
- 7 (A) **bodily injury to another person; or**
- 8 (B) **property damage to the vehicle of another person; and**
- 9 (2) **during which at least three (3) of the following acts occur:**
- 10 (A) **Following a vehicle too closely in violation of**
- 11 **IC 9-21-8-14.**
- 12 (B) **Unsafe operation of a vehicle in violation of**
- 13 **IC 9-21-8-24.**
- 14 (C) **Overtaking another vehicle on the right by driving off**
- 15 **the roadway in violation of IC 9-21-8-6.**
- 16 (D) **Unsafe stopping or slowing a vehicle in violation of**

- 1           **IC 9-21-8-26.**
- 2           **(E) Unnecessary sounding of the horn in violation of**
- 3           **IC 9-19-5-2.**
- 4           **(F) Failure to yield in violation of IC 9-21-8-29 through**
- 5           **IC 9-21-8-34.**
- 6           **(G) Failure to obey a traffic control device in violation of**
- 7           **IC 9-21-8-41.**
- 8           **(H) Driving at an unsafe speed in violation of IC 9-21-5.**
- 9           **(I) Repeatedly flashing the vehicle's headlights.**
- 10          **(b)** As used in this section, "hazing" means forcing or requiring
- 11          another person:
- 12               (1) with or without the consent of the other person; and
- 13               (2) as a condition of association with a group or organization;
- 14          to perform an act that creates a substantial risk of bodily injury.
- 15          ~~(b)~~ **(c)** A person who recklessly, knowingly, or intentionally
- 16          performs:
- 17               (1) an act that creates a substantial risk of bodily injury to another
- 18               person; or
- 19               (2) hazing;
- 20          commits criminal recklessness. Except as provided in ~~subsection (c)~~,
- 21          **subsections (d) and (e)**, criminal recklessness is a Class B
- 22          misdemeanor.
- 23          ~~(c)~~ **(d)** The offense of criminal recklessness as defined in subsection
- 24          ~~(b)~~ **(c)** is:
- 25               (1) a Class A misdemeanor if:
- 26                       **(A)** the conduct includes the use of a vehicle; or
- 27                       **(B) the person engaged in aggressive driving;**
- 28               (2) a Class D felony if it is committed while:
- 29                       **(A)** armed with a deadly weapon; or
- 30                       **(B) the person engaged in aggressive driving and caused**
- 31                       **serious bodily injury to another person; or**
- 32               (3) a Class C felony if:
- 33                       **(A)** it is committed by shooting a firearm ~~from a vehicle~~ into
- 34                       an inhabited dwelling or other building or place where people
- 35                       are likely to gather; or
- 36                       **(B) it:**
- 37                               **(i) is committed while the person engaged in aggressive**
- 38                               **driving; and**

1                   **(ii) caused the death of another person.**

2           ~~(d)~~ **(e)** A person who recklessly, knowingly, or intentionally:

3                   (1) inflicts serious bodily injury on another person; or

4                   (2) performs hazing that results in serious bodily injury to a  
5                   person;

6           commits criminal recklessness, a Class D felony. However, the offense  
7           is a Class C felony if committed by means of a deadly weapon.

8           ~~(e)~~ **(f)** A person, other than a person who has committed an offense  
9           under this section or a delinquent act that would be an offense under  
10           this section if the violator was an adult, who:

11                   (1) makes a report of hazing in good faith;

12                   (2) participates in good faith in a judicial proceeding resulting  
13                   from a report of hazing;

14                   (3) employs a reporting or participating person described in  
15                   subdivision (1) or (2); or

16                   (4) supervises a reporting or participating person described in  
17                   subdivision (1) or (2);

18           is not liable for civil damages or criminal penalties that might otherwise  
19           be imposed because of the report or participation.

20           ~~(f)~~ **(g)** A person described in subsection ~~(e)(1)~~ **(f)(1)** or ~~(e)(2)~~ **(f)(2)**  
21           is presumed to act in good faith.

22           ~~(g)~~ **(h)** A person described in subsection ~~(e)(1)~~ **(f)(1)** or ~~(e)(2)~~ **(f)(2)**  
23           may not be treated as acting in bad faith solely because the person did  
24           not have probable cause to believe that a person committed:

25                   (1) an offense under this section; or

26                   (2) a delinquent act that would be an offense under this section if  
27                   the offender was an adult.

28           **SECTION 2. [EFFECTIVE JULY 1, 2005] IC 35-42-2-2, as**  
29           **amended by this act, applies only to offenses committed after June**  
30           **30, 2005.**

(Reference is to HB 1583 as introduced.)

**and when so amended that said bill do pass.**

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Representative Ulmer